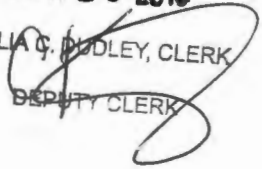


APR 25 2018

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

PINNACLE BANK,

Plaintiff,

v.

Civil Case No. 7:17CV395

BLUESTONE ENERGY SALES
CORPORATION, A&G COAL
CORPORATION, DYNAMIC ENERGY, INC.,
JUSTICE MANAGEMENT SERVICES, LLC,
KENTUCKY FUEL CORPORATION, NINE
MILE MINING, INC., TAMS MANAGEMENT,
INC., and the UNITED STATES OF
AMERICA,

Defendants.

CONSENT ORDER GRANTING SUMMARY JUDGMENT

This matter is before the Court on the Motion for Summary Judgment of Plaintiff Pinnacle Bank ("Pinnacle"). Having considered the motion and the entire record herein, and with due notice having been given, the Court hereby GRANTS the motion. It is hereby:

ORDERED that the Clerk of the Court shall accept the sum of \$1,403,607.47 from Pinnacle (the "Disputed Funds") and deposit said funds in a non-interest-bearing account;

ORDERED that the Disputed Funds shall remain on deposit until further order of the Court;

ORDERED that Pinnacle is hereby DISMISSED from this action, but such dismissal shall not affect or preclude Pinnacle's rights to move for recovery of its attorneys' fees from the non-governmental defendants, or the Court's consideration of that motion;

ORDERED that the action styled *Bluestone Energy Sales Corporation et al v. Bank of North Carolina, et al*, No. 7:17-cv-00365-GEC (W.D. Va.) is hereby dismissed with prejudice; and

ORDERED that Pinnacle and any and all of its current and former parents, subsidiaries, affiliates, insurers, reinsurers, directors, officers, employees, agents, representatives, attorneys, and its respective heirs, executors, administrators, predecessors, successors and assigns are fully discharged and released from any obligations, liability, claims, rights, causes of action, or demands of whatever nature, whether known or unknown, foreseen or unforeseen, made by any of the defendants in this action or any of their current and former parents, subsidiaries, affiliates, insurers, reinsurers, directors, officers, employees, agents, representatives, attorneys, and their respective heirs, executors, administrators, predecessors, successors and assigns, relating to any claim of right or interest in the Disputed Funds and the response to the levies issued by the Internal Revenue Service.

ORDERED that

The Clerk is directed to forward a copy of this Order to all counsel of record by the CM/ECF system.

Respectfully submitted:

/s/ Johnathon E. Schronce
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Counsel for Defendants Bluestone Energy Sales Corporation, A&G Coal Corporation, Dynamic Energy, Inc., Justice Management Services, LLC, Kentucky Fuel Corporation, Nine Mile Mining, Inc., and Tams Management, Inc.


/s/ Kyle L. Bishop
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Counsel for Intervenor Carter Bank & Trust

IT IS SO ORDERED. This case will continue on the remaining crossclaim by the United States of America. The remaining parties in the case are the United States, Bluestone Energy Sales Corporation, A&G Coal Corporation, Dynamic Energy, Inc., Justice Management Services, LLC, Kentucky Fuel Corporation, Nine Mile Mining, Inc., Tams Management, Inc., and intervenor Carter Bank & Trust.


Glen E. Conrad
Senior United States District Judge

Date: APRIL 26, 2018